

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KUPAA KEA,
Plaintiff,
v.

WASHOE COUNTY SHERIFF'S
OFFICE, et al.,
Defendants.

Case No. 3:22-cv-120-ART-EJY
ORDER ADOPTING REPORT AND
RECOMMENDATION OF U.S.
MAGISTRATE JUDGE
(ECF No. 78)

Pro se Plaintiff Kupaa Kea filed this civil rights action against Defendants Washoe County Sheriff's Office, Sheriff Darin Balaam, Classification Office John Doe, Deputy German, and Deputy Jane Doe, regarding events that occurred while he was detained at Washoe County Detention Facility. The Court screened Plaintiff's complaint and allowed him to proceed with Fourteenth Amendment claims against Deputy Jane Doe, Deputy John Doe (subsequently identified as Classification Deputy Lewis), and Deputy German. (ECF No. 10.)

Defendants have filed a motion for summary judgment. (ECF No. 71.) Plaintiff did not file an opposition. Magistrate Judge Craig S. Denney issued a report and recommendation ("R&R") recommending that Defendants' motion for summary judgment be granted as to Defendants German and Lewis, and that the Court dismiss without prejudice Defendant Deputy Jane Doe pursuant to Federal Rule of Civil Procedure 4(m)¹. (ECF No. 78.)

Under the Federal Magistrates Act, a Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by [a] magistrate

¹ On March 8, 2024, and February 17, 2025 the Court issued notices of intent to dismiss pursuant to FRCP 4(m), notifying Plaintiff that to date no proper service had been filed as to "Classification Officer and Jane Doe." (ECF Nos. 46; 89.) To date no proper service has been filed as to Defendant Jane Doe. Classification Deputy Officer Lewis was served on July 31, 2023. (ECF No. 37.)

1 judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's
2 report and recommendation, the court is required to “make a *de*
3 *novo* determination of those portions of the [report and recommendation] to which
4 objection is made.” 28 U.S.C. § 636(b)(1). A court is not required to conduct “any
5 review at all . . . of any issue that is not the subject of an objection.” *Thomas v.*
6 *Arn*, 474 U.S. 140, 149 (1985).

7 On January 28, 2025, the Court granted Plaintiff’s motion for an extension
8 of time to file objections to the R&R, giving him until February 10, 2025 to do so.
9 (ECF No. 87.) When Plaintiff did not file an objection, the Court *sua sponte*
10 granted him another extension of time, until February 22, to 2025, to file any
11 objections. (ECF No. 88.) Plaintiff did not file an objection and the time to do so
12 has now expired.

13 Because Plaintiff has not objected to Judge Denney’s R&R, the Court is not
14 required to conduct any review. *Thomas v.*, 474 U.S. at 149. The Court therefore
15 adopts in full Judge Denney’s R&R.

16 It is therefore ordered that Judge Denney’s report and recommendation
17 (ECF No. 78) is ADOPTED in full.

18 It is further ordered that Defendant’s Motion for Summary Judgment (ECF
19 No. 71) is GRANTED as to Defendants German and Lewis.

20 It is further ordered that Defendant Jane Doe is dismissed without
21 prejudice pursuant to Federal Rule of Civil Procedure 4(m).

22 It is further ordered that the Clerk of the Court is directed to ENTER
23 JUDGMENT accordingly and CLOSE this case.

24 Dated this 5th day of March 2025.

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28 ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE